



## TESTIMONY TO THE PUBLIC HEALTH COMMITTEE

### Senate Bill 419 AN ACT PROHIBITING SMOKING IN REGULATED AREAS OF CASINOS.

By Chuck Bunnell, Chief of Staff for External Affairs, Mohegan Tribe

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Senator Handley, Representative Sayers; members of the Public Health Committee

My name is Chuck Bunnell, the Chief of Staff of the Mohegan Tribe for External Affairs. On behalf of the Mohegan Tribal Council, I want to thank you for giving us the opportunity to speak on the issues raised in Senate Bill 419 AN ACT PROHIBITING SMOKING IN REGULATED AREAS OF CASINOS.

Although the language of this proposed legislation appears relatively simple, it actually relates to two extraordinarily important and complex issues – the issue of public health and the issue of Tribal sovereignty.

I am here today to address both of these key issues.

The Mohegan Tribe has always been committed to the well-being of their patrons, their employees and all of those who visit the reservation.

The Tribe takes the health issues of smoking and second-hand smoke very seriously. Through the utilization of smoke-free areas and state-of-the-art ventilation systems, the Tribe has worked to enhance and improve air quality at Mohegan Sun. Not only in the jointly regulated areas, but on the entire reservation, and they will continue to do exactly that.

Because of the concern the Tribe has about ensuring public health, the Mohegan Tribal Council, the Tribes governing body, through its own laws and regulations, took action to significantly limit smoking. This public health action was undertaken prior to the state of Connecticut passing its own partial smoking ban. Today, there are two exclusively smoke-free gaming areas, and smoking at Mohegan Sun is now banned in all of the restaurants, the retail stores, the entertainment venues and in most public pedestrian areas – as well as in ALL employee-only areas of the facility.

The Tribe also developed, in conjunction with the American Cancer Society, a smoke-free guide to Mohegan Sun which can be found at all customer service areas on the gaming floor.

We test the air quality on a regular basis and have continually found that we exceed all federal air quality standards which are equal to or more stringent than those of Connecticut.

## THE MOHEGAN TRIBE

While the Tribe appreciates the goals stated in the proposed legislation, the state of Connecticut can not adopt legislation that would supersede the laws that The Mohegan Tribe has put in place or the language of the Compact that was signed between the State of Connecticut and the Mohegan Tribal Nation 14 years ago.

The Treaty between the State of Connecticut and the Mohegan Tribal Nation created a unique relationship that outlined how our governments would interact in certain areas. It is a partnership that is based on respect, communication and cooperation. A relationship allowed by Federal law - and - one that is based on the constitutionally guaranteed rights of the Native Tribes.

As far as the Mohegan Tribe is concerned, Tribal sovereignty is the core of who they are as an indigenous government recognized by the United States ...it is the understanding of the fundamental rights of a people to self-governance and self-determination.

While the General Assembly can not legally circumvent the Compact between the State of Connecticut or the Federal laws recognizing the Mohegan Tribe and its sovereign rights, the Compact does provide a meaningful and effective mechanism for promoting dialogue between two governments...Consultation and Communication. The Mohegan people pride themselves on a core philosophy of success through communication dating back to the 1600's with Mohegan Sachem Uncas.

And, as I said earlier, the Mohegan Tribal Council understands the concerns of those who want to avoid exposure to second-hand smoke. They share those concerns - and that is why the Council has already taken significant steps in this area. As a Tribal government, they are certainly open to dialogue about this issue, even as they continue to look for additional opportunities to limit second-hand smoke in both the jointly regulated areas and on the reservation as a whole.

Finally, allow me to take just a moment to address the economic implications of Senate Bill 419. The members of the committee have undoubtedly heard a lot about the potential economic impact of smoking bans. The Mohegan Tribe does not believe that economic factors should trump health issues, but they also believe that it is important to have open and honest discussions about the impact of any public policy issue and the impact it could have on their Tribal members, their partners (you), and their employees if not handled appropriately.

As of now, smoking is allowed in Rhode Island gaming facilities, including the new \$400million Twin Rivers Casino, as well as at New York's Indian Casinos. While there are new restrictions in New Jersey, a portion of the gaming floor was exempted for economic reasons. Of the 8 states that rely most heavily on casino gaming revenue - none of them - have adopted a complete smoking ban and - it should also be noted that of all the states that have adopted smoking bans, none have sought to apply them to Indian lands because of the understanding of Tribal sovereignty.

Today the Mohegan Tribe is one of the five largest employers in the State of Connecticut and the Tribes appreciates the importance of continuing to serve as a major engine of economic

activity – and a major source of revenue for Connecticut. The potential impact of limitations on smoking in the regulated areas of the Casino must be carefully considered before any action is taken.

While we can't be sure about the impact here in Connecticut we do know that a smoking ban in Washington State led to a 14% decline in revenue in non-Indian casinos. In Delaware, two different studies identified a drop of approximately 19% over the first two years of a smoking ban and most recently, this January Illinois witnessed an approximate 17% decline in revenue resulting from its smoking ban because the surrounding states did not have such a ban.

Since even a 5% drop in revenue at the casinos would translate into a \$21 million reduction in state revenue, a 10% drop would mean a loss of \$42 million and a 15% drop would reduce state revenue by \$63 million. Therefore, it is imperative that as the Tribe continues to expand smoke-free gaming, they do so in an economically prudent manner that also protects the thousands of jobs and associated revenue that may be placed in jeopardy. These numbers do not even include the 24,000 jobs created indirectly or the 500 million dollars in vendor purchases that would be affected. Considering even a 5% reduction in the workforce at the casinos would cost 2,000 jobs it is important that they move forward in as sophisticated and sensitive way as possible. The Mohegan Tribe is proud that they have always absorbed the effects of economic downturns in the past and never faced layoffs; an unsophisticated approach to this issue would make layoffs inevitable.

That said, they do believe that the shift toward more and more smoke-free facilities will continue and a day will come – hopefully, sooner rather than later – when all casinos in this Country are smoke-free...

So, let me close by saying that the Mohegan Tribal Leadership is open to dialogue with the State of Connecticut on these issues, just as they are committed to continuing to expand their smoke-free options and moving toward a total ban...but they are also strongly committed to the fact that they will take these actions using their rights of self-governance and self-determination.

Again, thank you for your time today.

We'd be happy to answer any questions you have – whether today – or at any point in the future.